

A bill to be entitled

An act relating to the guardian ad litem direct-support organization; creating s. 39.8298, F.S.; providing for the organization and operation of a direct-support organization for the Statewide Guardian Ad Litem Office; providing definitions; providing for a contract; providing for a board of directors; providing for the use of property, facilities, and personal services of the Statewide Guardian Ad Litem Office by the direct-support organization; providing restrictions; providing for the deposit of moneys and for an annual audit; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 39.8298, Florida Statutes, is created to read:

39.8298 Guardian ad litem direct-support organization.--

(1) DEFINITIONS.--For the purposes of this section, the term:

(a) "Direct-support organization" means an organization that is:

1. A Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and

29 administer, in its own name, securities, funds, objects of  
30 value, or other property, real or personal; and make  
31 expenditures to or for the direct or indirect benefit of the  
32 Statewide Guardian Ad Litem Office.

33 3. Determined by the Statewide Guardian Ad Litem Office to  
34 be operating in a manner consistent with the goals and purposes  
35 of the office and in the best interest of the state.

36 (b) "Personal services" includes full-time and part-time  
37 personnel as well as payroll processing.

38 (2) CONTRACT.--The direct-support organization shall  
39 operate under written contract with the Statewide Guardian Ad  
40 Litem Office. The written contract must provide for:

41 (a) Approval of the articles of incorporation and bylaws  
42 of the direct-support organization by the executive director of  
43 the Statewide Guardian Ad Litem Office.

44 (b) Submission of an annual budget for the approval of the  
45 executive director of the Statewide Guardian Ad Litem Office.

46 (c) Certification by the executive director of the  
47 Statewide Guardian Ad Litem Office that the direct-support  
48 organization is complying with the terms of the contract in a  
49 manner consistent with the goals and purposes of the Statewide  
50 Guardian Ad Litem Office and is acting in the best interest of  
51 the state.

52 (d) The reversion to the Statewide Guardian Ad Litem  
53 Office of moneys and property held in trust by the direct-  
54 support organization if the direct-support organization ceases  
55 to exist or if the contract is terminated.

56       (e) The fiscal year of the direct-support organization,  
 57 which must begin July 1 of each year and end June 30 of the  
 58 following year.

59       (f) The disclosure of material provisions of the contract  
 60 and the distinction between the Statewide Guardian Ad Litem  
 61 Office and the direct-support organization to donors of gifts,  
 62 contributions, or bequests, as well as on all promotional and  
 63 fundraising publications.

64       (3) BOARD OF DIRECTORS.--The executive director of the  
 65 Statewide Guardian Ad Litem Office shall appoint a board of  
 66 directors for the direct-support organization. The executive  
 67 director may designate one individual from the Statewide  
 68 Guardian Ad Litem Office to serve on the board of directors.

69       (4) USE OF PROPERTY.--The executive director of the  
 70 Statewide Guardian Ad Litem Office:

71       (a) May permit the use of property (except money),  
 72 facilities, and personal services of the office by the direct-  
 73 support organization, subject to the provisions of this section.

74       (b) May prescribe by rule conditions with which the  
 75 direct-support organization must comply in order to use  
 76 property, facilities, or personal services of the office.

77       (c) Shall not permit the use of property, facilities, or  
 78 personal services of the direct-support organization if the  
 79 organization does not provide equal employment opportunities to  
 80 all persons, regardless of race, color, religion, sex, age, or  
 81 national origin.

82       (5) MONEYS.--Moneys of the direct-support organization may  
 83 be held in a separate depository account in the name of the

HB 229

2007

84 direct-support organization and subject to the provisions of the  
85 contract with the Statewide Guardian Ad Litem Office.

86 (6) ANNUAL AUDIT.--The direct-support organization shall  
87 provide for an annual financial audit in accordance with s.  
88 215.981.

89 Section 2. This act shall take effect July 1, 2007.